IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 28TH SEPTEMBER 2007 / 6TH ASWINA 1929

WP(C).No. 28941 of 2007(U)

PETITIONER:

SHREEM CAPACITORS PVT. LTD.,
29/1583, RAM AVENUE, SBI STAFF COLONY ROAD,
KUTHIRAVATTAM, KOZHIKODE, REPRESENTED BY ITS
ASSISTANT MANAGER, C.B. KELKAR.

BY ADV. SRI.N.MURALEEDHARAN NAIR
SRI.V.K.SHAMUSUDHEEN

RESPONDENTS:
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1. INTELLIGENCE OFFICER,
SQUAD NO.II, KOZHIKODE.

2. DEPUTY COMMISSIONER (APPEALS),
KOZHIKODE.

3. THE SENIOR MANAGER,
CANARA BANK, CHERROOTTY ROAD, KOZHIKODE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) NO. 28941 OF 2007

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Dated this the 28th day of September, 2007

J U D G M E N T

Against Exts. P1 and P2 orders imposing penalty, petitioner has filed appeals as per Exhibits P3 and P4. Stay petitions as per Exts. P5 and P6 have also been filed. It is submitted that petitioner has already furnished a bank guarantee for the amount covered by Exhibits P1 and P2 and that in the meantime Ext.P7 letter has been issued to the Bank for invoking the Bank guarantee and hence this writ petition.

2. Now that the petitioner has already approached the Appellate Authority and that payment of the penalty amount is secured by a Bank guarantee, which is valid upto 30/6/08, I see no reason to permit its invocation at this stage.

3. Hence, I dispose of this writ petition directing the Appellate Authority to consider Exhibits P3 and P4 appeals as expeditiously as possible, at any rate, within a period of two

months from the date of receipt of a copy of this judgment. In the meantime, the Bank guarantee will not be invoked and that the petitioner shall keep it alive.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp